

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 18-649V

Filed: May 28, 2019

UNPUBLISHED

Kellie Brown, Administrator of the  
Estate of Kimberly J. Little,,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Guillain-Barre Syndrome (GBS)

*Matthew F. Belanger, Faraci Lange, LLP, Rochester, NY, for petitioner.*

*Robert Paul Coleman, III, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On May 8, 2018, Kimberly J. Little<sup>2</sup> filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>3</sup> (the “Vaccine Act”). The Petition alleges that Ms. Little suffered Guillain-Barre Syndrome (“GBS”) as a result of her October 15, 2015 influenza (“flu”) vaccination. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> The undersigned intends to post this ruling on the United States Court of Federal Claims' website. **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access. Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services).

<sup>2</sup> Subsequently, by Order dated September 7, 2018, the undersigned granted petitioner's motion to substitute Kellie Brown as petitioner in this case. (ECF No. 21).

<sup>3</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755.

On May 22, 2019, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report and Proffer on Award of Compensation at 2. Specifically, respondent indicates that

[m]edical personnel at DICEP have reviewed the Petition and medical records filed in this case. Based on that review, DICEP has concluded that Ms. Little suffered from GBS as set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation ("QAI"). The evidence shows that petitioner suffered GBS following the administration of an influenza vaccine, and that the onset occurred within the time period specified in the Table. 42 C.F.R. §§ 100.3(a), (c)(15). In addition, petitioner suffered the residual effects of her condition for more than six months. 42 U.S.C. § 300aa-11(c)(1)(D)(i). Therefore, based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act. 42 U.S.C. § 300aa-13.

*Id.* at 2-3.

**In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master